

Applicant: Schmitt, P.J.  
Application No.: 09/368,848  
Docket No.: 498-18 DIV/RES  
Page 3

**REMARKS**

Applicant has amended the application. More specifically, Applicant has amended claims 2, 6, 7, 8, and 10 in order to more clearly identify the inventive subject matter. Withdrawal of the rejections and passage to allowance are respectfully requested.

Applicant elects to prosecute originally prosecuted claims 1-10. This election confirms the constructive election of claims 1-10 made by the Examiner in accordance with 37 C.F.R. §1.142(b). Applicant reserves the right to prosecute the new reissue claims 11-31 in a continuation or divisional application.

**Rejections Under 35 U.S.C. §112**

The Examiner has rejected claims 2, 4, 6, 7, 8, and 10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims in response thereto to more clearly identify the inventive subject matter.

The Examiner has further rejected claim 4 under 35 U.S.C. §112 because it is allegedly redundant to claim 3. More specifically, the Examiner states, "Claim 3 refers back to claim 1

Applicant: Schmitt, P.J.  
Application No.: 09/368,848  
Docket No.: 498-18 DIV/RES  
Page 4

and claim 1 defines an expandable prosthesis. Therefore the prosthesis of claim 3 must be expandable.”

Applicant respectfully disagrees. Claim 3 includes a structural limitation which is a “means for securing said prosthesis to said lumen.” Claim 4 however includes a further step of “securing said expandable prosthesis to said lumen.”

Claim 4 therefore further limits the invention of claims 1 and 3 by providing the step of securing said expandable prosthesis to said lumen. This element is not present in either claim 1 or claim 3. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is therefore respectfully requested.

Applicant: Schmitt, P.J.  
Application No.: 09/368,848  
Docket No.: 498-18 DIV/RES  
Page 5

Withdrawal of the rejections and allowance of the case is respectfully requested.

Should the Examiner have any questions regarding this response or wish to discuss this matter in further detail, he is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Baron', written over a horizontal line.

Mark E. Baron  
Registration No.: 46,150  
Attorney for Applicant

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700

Applicant: Schmitt, P.J.  
Application No.: 09/368,848  
Docket No.: 498-18 DIV/RES  
Page 6

**VERSION OF AMENDMENT WITH MARKINGS**  
**SHOWING CHANGES MADE**

**IN THE CLAIMS:**

2. (Amended) The method of claim 1, wherein said prosthesis is expanded ~~via~~ with a balloon catheter.
6. (Amended) The method according to claim 1, wherein said prosthesis is delivered intraluminally to said damaged lumen ~~via~~ with a catheter.
7. (Amended) The method of claim 6, wherein said prosthesis is initially sized for intraluminal delivery ~~via~~ with said catheter without need for rolling or bunching of said prosthesis.
8. (Amended) The method according to claim 6, wherein said prosthesis is expanded until ~~its~~ a diameter of the prosthesis substantially conforms to that of said damaged lumen.
10. (Amended) The method according to claim 9, wherein said prosthesis is expanded following a period of growth in said child until ~~its~~ a diameter of the prosthesis substantially conforms to that of a connecting host lumen which has experienced a period of circumferential growth.